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Attorney for Defendant

MARCUS ANTHONY MILLNER

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS ANTHONY MILLNER,

Defendant.

Case No.: 2:20-CR-00313-APG-NJK

**Stipulation to Continue Rule 32
Sentencing Hearing**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between

CHRISTOPHER BURTON, ESQ., Assistant United States Attorney, counsel for the United States of America, and **MICHAEL J. MICELI, ESQ.**, counsel for MARCUS ANTHONY MILLNER, that the Sentencing Hearing currently set for March 16, 2021 at 1:00 p.m., be vacated and continued to a date and time convenient to the Court, but no sooner than 90 days from the date of this filing. In support of this Stipulation, the parties state as follows:

1 1. Counsel for defendant Milner requires at least an additional 90 days to
2 prepare for sentencing in this matter, to include performing further presentence investigation
3 and formulating any objections to the Presentence Investigation and Report.
4

5 2. Defendant is not in custody and does not object to this request for
6 continuance.

7 3. Counsel has spoken to AUSA Christopher Burton, who does not oppose a
8 continuance.

9 4. Denial of this request for continuance could result in a miscarriage justice.
10

11 5. For all the above-stated reasons, the ends of justice would best be served by a
12 continuance of the Sentencing Hearing until a date and time convenient to the Court but no
13 sooner than 90 days from the filing of this Stipulation.

14 6. This is the first request to continue the Sentencing Hearing in this matter.
15

16 **WHEREFORE**, the parties respectfully request that the Court accept the stipulation
17 of the parties and enter an Order continuing the Sentencing Hearing to a date and time
18 convenient to the Court but no sooner than 90 days from the date of the filing of this
19 pleading. A proposed Order is attached for the Court's consideration.
20

21 **DATED** this 9th day of March 2021.

22 Respectfully submitted,
23

24 /S/ Michael J. Miceli, Esq.
25 **MICHAEL J. MICELI, ESQ.**
26 Nevada Bar No. 10151
27 601 Las Vegas Blvd. South
28 Las Vegas, Nevada 89101
 Attorney for Defendant
 MARCUS ANTHONY MILLNER

/S/ Christopher Burton
 CHRISTOPHER BURTON
 Assistant United States Attorney
 501 Las Vegas Blvd. South,
 Suite 1100
 Las Vegas, NV 89101
 Attorney for the United States

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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 MARCUS ANTHONY MILLNER,

13 Defendant.
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Case No.: 2:18-CR-00095-APG-NJK-2

Order

16 This matter coming on the parties' Stipulation to Continue Rule 32 Sentencing
17 Hearing, the Court having considered the premises therein and good cause showing, the
18 Court accepts the Stipulation of the parties and finds as follows:

19 1. The Rule 32 Sentencing Hearing in this matter is presently set for March 16,
20 2021.

21 2. Counsel for defendant Milner requires at least 90 days to conduct further
22 presentence investigation and to formulate any objections to the Presentence Investigation
23 and Report prepared in this matter.
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25 3. Defendant is not in custody and does not object to this continuance request.

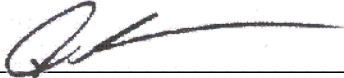
26 4. Counsel for the government does not oppose a continuance.

27 5. Denial of this request for continuance could result in a miscarriage justice.
28

1 **WHEREFORE**, the Court accepts the Stipulation of the parties and **ORDERS** that
2 the Rule 32 Sentencing Hearing, currently set for **March 16, 2021, at 1:00 p.m.**, shall be,
3 and is, **VACATED** and **CONTINUED** to the 29th day of June, 2021 at 9:00 a.m., in
4 Courtroom 6C.
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6 **IT IS SO ORDERED.**

7 DATED this 10th day of March, 2021.

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10 _____
11 ANDREW P. GORDON
12 United States District Judge
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